

Application No.: 10/033,491

1632
Docket No.: 29853/37706 *Shw*

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 20, 2004 Signature: *Lillian M. Curry*
(Lillian M. Curry)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent & Trademark Office
In re Patent Application of:
Shuyuan Zhang et al.

Application No.: 10/033,491

Confirmation No.:

Filed: December 27, 2001

Art Unit: 1632

For: **METHOD FOR TREATING PATIENTS
WITH ADENOVIRAL VECTORS**

Examiner: Robert M. Kelly

Response to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is in response to the Office Action dated July 1, 2004 in which claims 70-226 are subject to restriction and claims 87, 89, 118, 120, 149, 151, 180, 182, 211 and 213 were deemed to be generic to a plurality of disclosed patentably distinct species comprising:

- (a) seven promoters listed in claims 87, 118, 149, 180 and 211; and
- (b) 18 antisense genes and 40 genes listed in claims 89, 120, 151, 182 and 213.

Applicants elect disclosed species CMV IE from group (a) and disclosed species p53 from group (b) without traverse. All claims 70-266 read on the elected species.

Should the Examiner wish to discuss any issues of form or substance in order to expedite allowance of the pending application, he is invited to contact the undersigned attorney at the number indicated below.

Application No.: 10/033,491

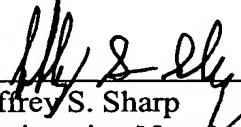
Docket No.: 29853/37706

The Commissioner is authorized to charge any fee deficiency required by the paper to
Deposit Account No. 13-2855.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300

By:


Jeffrey S. Sharp
Registration No.: 51,879
Pamela L. Cox
Registration No.: 51,584
Attorneys for Applicants

Dated: July 20, 2004